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Conference

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 MARIAH LOPEZ,

4 Plaintiff,

5 v.

17 CV 3014 (OTW)

6 PROJECT RENEWAL, ET AL.,

7 Defendants.

8 -----x
9 New York, N.Y.
10 May 28, 2019
11 3:00 p.m.

12 Before:

13 HON. ONA T. WANG,

14 Magistrate Judge

15 APPEARANCES

16 MARIAH LOPEZ, PRO SE

17 NYC DEPARTMENT OF HOMELESS SERVICES

18 Attorney for Defendant

19 BY: THOMAS ROBERTS

20 PROJECT RENEWAL

21 Attorney for Plaintiff

22 BY: RICHARD GREENBERG

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1 (Case called)

2 MS. BAEZ: Mariah Lopez, litigant.

3 MR. ROBERTS: Assistant Corporation Counsel, Thomas
4 Roberts, for the municipal defendants.5 MR. GREENBERG: For Project Renewal, Richard
6 Greenberg.

7 THE COURT: Good afternoon.

8 All right. So I have to apologize because I managed
9 to wipe my iPad last between the time since our last
10 conference. So I don't have all of my notes from our prior
11 conferences before us. But we're going to see if we can move
12 through the issues. Hopefully, my memory will not be too far
13 off.14 OK. So I got the city's proposed order for
15 Ms. Lopez's family court record.16 Ms. Lopez, I think at the last conference you were
17 saying that you had been trying to get them yourself and they
18 were, the family court was giving you trouble getting them.19 MS. BAEZ: I had general difficulty. It's not fair to
20 characterize that I wasn't be able to get any of the records
21 but getting the entirety of the records was becoming difficult.
22 But I understand that Legal Aid, so there are two dockets. One
23 is the family court docket, a pins placement. And the other is
24 a "D" docket case. I understand that Legal Aid Society, Luis
25 Sartory, used to be my defense counsel, he has requested all

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1 the records from the court or the court's file. I am sure
2 Legal Aid has their own file. I think a master court file
3 would be better and he had asked for that. I believe the
4 documents filed by Mr. Roberts referencing other material.

5 THE COURT: OK. We have to do a little bit of our
6 research to make sure that we could get this. So I think we
7 are able to get the records and have them stored in the record
8 room where you, each of the parties could access them but
9 nobody else like the general public can't.

10 However, that ends up making you each having to come
11 to the court to get the record. So then the next thing we
12 were, the Court has been looking into whether or not it might
13 be possible to get the records scanned so that we could provide
14 you each with CD or DVD which contains all the records.

15 I think this might be a viable option if that's
16 amenable to you, Ms. Lopez.

17 MS. LOPEZ: What I was going to say is I believe that
18 although for purposes of this proceeding we require equal
19 access. I'm amenable to the solution of both us reviewing the
20 records in some neutral way that the Court determines is fair.
21 However, going past these proceedings I would not feel
22 comfortable with the City Law Department having a hard copy of
23 those files unless there was an order with it saying that they
24 would be willing to destroy them.

25 THE COURT: Oh, I would absolutely make sure that they

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1 would be.

2 MS. LOPEZ: Then it's fine, your Honor.

3 THE COURT: OK. So the plan would be to have the
4 files produced to the Court and then we would take care of, we
5 would try to get them stamped and then each side would get a CD
6 or a DVD. I'm hesitant to have them transmitted over the
7 Internet because I think bad things can happen that way. And
8 then you all have to basically agree that you would just
9 maintain the file in the format to which it was given to you.
10 And then at the end of this litigation the defendants would
11 agree to destroy or return to you their copy. And then that
12 would, whether they confirmed whether they returned or
13 destroyed their copy I think that would take care of it.
14 Obviously, with a representation that they haven't made a copy.

15 MS. LOPEZ: Yes, your Honor.

16 THE COURT: OK. So we'll look into doing that.

17 Mr. Roberts, any objection to that or any thoughts?

18 MR. ROBERTS: No. My only thought -- well, just two
19 points. One, I suggest maybe that you ask the family court to
20 send you a disk. I don't know how big this is going to be but
21 I suspect it may be quite large.

22 THE COURT: We'll look at that. If it's possible,
23 we'll do it. I'm not sure that we have any control over that.

24 MS. LOPEZ: I got these form matters from ACS.
25 Ms. Lopez is referring to just two cases. They gave me four

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1 cases. I've confirmed the four cases exist. I would have no
2 idea of what the subject matter of the four cases is.

3 That is all I have to say.

4 THE COURT: All right. Well, we'll get them. And we
5 do have a protective order in place already, right?

6 MR. ROBERTS: I don't know.

7 THE COURT: Was that something that had been on the
8 prior --

9 MR. ROBERTS: I don't recall a protective order.

10 THE COURT: OK. Well, we should probably have
11 something at least at a minimum. I am going to suggest the
12 four protective orders that's on my website and then for the
13 parties to review that and consider whether they have any
14 issues or modifications to that or any concerns. And what I
15 will do is we'll look into more how we can get the family court
16 records into and then I'll issue a separate order with that.
17 And then around that time I'll give you all a deadline on
18 reviewing the four protective order and then let you know.

19 MS. LOPEZ: My apologies. My pen stopped working,
20 your Honor.

21 THE COURT: OK.

22 (Pause)

23 THE COURT: You'll get a copy of the transcript, so
24 don't worry about it too much. So, that takes care of the
25 family court records.

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1 Ms. Lopez, you had previously had a -- oh, your
2 opposition date for the motion is now May 31.

3 MS. LOPEZ: I filed it today.

4 THE COURT: OK.

5 MS. LOPEZ: And I wanted to apologize. I had to
6 purchase a new computer. My Apple device also stopped working
7 the last week of April. So I was unable to make a deadline. I
8 extend my apologies to the Court.

9 THE COURT: But you filed it already.

10 MS. LOPEZ: Not just, not by the original deadline.

11 THE COURT: Great. Plaintiff's motion for class
12 certificate. So I understand that you need counsel. I don't
13 think you can represent yourself. You can represent yourself
14 obviously but since you are not a lawyer, you can't represent
15 other members of a class.

16 MS. LOPEZ: May I, your Honor?

17 THE COURT: Yes.

18 MS. LOPEZ: So the way I understand it -- and I'm just
19 go on a slight tangent to say that I found this theory or
20 strategy that I am attempting to assert in a chat group of some
21 pretty established law types from Yale University. Apparently,
22 from my understanding, Section 23 is more of a direction or of
23 a guidelines or guidance to the Court and 23(A)(1) through (4)
24 is specifically meant to guide the Court as it reviews the
25 certification requirements for a class.

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1 Obviously, in the same way someone doesn't have to be
2 a lawyer to present before the Court for a TRO or any number of
3 complex and lofty legal endeavors, it is my understanding that
4 one doesn't need to be a lawyer to present before the Court,
5 right. 23(A)(1) through (4) requires certain facts be
6 established. Those are facts. There's nothing subjective
7 about one through four. So section (A)(1) through (4) would
8 then trigger 23(g).

9 And I'm not positing that I am an attorney or that I
10 am capable, your Honor, of representing the class. In fact,
11 your Honor, just the opposite. I would like to direct your
12 Honor's attention to a guest with me this afternoon. Behind me
13 is a gentleman by the name of Jamel Young, who I've mentioned
14 at least by circumstance within these proceedings before. He
15 is member of the trans community. He is also an Army veteran
16 and he's been shackled -- Don't excuse the pun. Pun
17 intended -- to the five boroughs by an erroneous arrest in
18 Bronx County that because New York is not his primary residence
19 has resulted in him becoming homeless.

20 Jamel being trans-masculine, your Honor, is important
21 because it sort of in some ways rounds off a class as 23 or A 1
22 through 4 seeks to have clarified through the courts sort of
23 exercise of 23(A). 23(A) is meant to make sure that there is a
24 reason for a class -- I am paraphrasing -- that the class is
25 numerous and that multiple law suits of a similar type alleging

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1 similar allegations against similar parties don't clog up the
2 court system, so to speak.

3 It also speaks to the ability of the class. This is
4 where I think it's important and I think it's what your Honor
5 was referencing in terms of what it might have believed
6 plaintiff was trying to do.

7 The representative parties will fairly and adequately
8 protect the interests of the class. I believe Congress
9 intended that that like (inaudible), your Honor, the
10 plaintiffs were young people that had experienced all manner of
11 placement within ACS. Some of the plaintiffs in (inaudible)
12 were gay kids that were only in foster homes. Some had never
13 made it to congregate facilities and so they chose a certain
14 sample population of gays in foster care to cover the gamut of
15 what could happen to a kid in care who had never been to a
16 foster group home or a congregate facility.

17 So it's my belief that so many transgender people or
18 gender variant people presenting before the Department of
19 Homeless Services with requests for reasonable accommodation
20 clear and documented medical conditions that would require
21 reasonable accommodations under the ADA, not to mention all
22 making similar and unique claims under First Amendment
23 violations by needing to hide one's trans identity and new
24 violations of gender, your Honor, would satisfy that if a group
25 of individuals looking as diverse as myself, Jamel, Accassa and

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1 other transgender people presenting as diversely as we do, we
2 satisfy without a doubt one through three of Section A of the
3 prerequisite Rule 23.

4 And then because we do as a class factually present it
5 for Court, we do round out a good group of transgender people
6 as a sample size that we would be entitled to class
7 certification under Section 23 and 23(g) would be triggered.

8 I also want to note, your Honor, that although I've
9 filed a motion for class certification, I'm not asking that the
10 Court consider that on its own. The reason that I physically
11 brought Jamel here is that we have every intention, myself
12 Jamel, Jamel also works within Star of submitting supplemental
13 documents of other transgender people.

14 Lastly, bringing Jamel in personally putting the
15 municipal defendants on notice about his requests for
16 reasonable accommodations. So Jamel is set to appear for a
17 mandated court appearance on the 31st. He may be exploring the
18 opportunity of forthwith trial. That would require Mr. Young
19 to be in the New York area for an immediate extended period of
20 time and he's homeless.

21 So Mr. Roberts had said to me and Accassa that the
22 city policy for screening any trans person, they have to
23 present into a shelter which in itself might be a violation to
24 the reasonable accommodation to be screened. So just like
25 when I had to go to Marshals I had to report to Franklin Avenue

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1 shelter. We realize that that probably wasn't the smartest
2 move.

3 Likewise, Mr. Roberts is asking Jamel or just to be
4 the best advocate I can be in the context of asking for class
5 certification from the Court because I understand it's a big
6 deal. Mr. Roberts is asking for trans men who fear rape and
7 physical violence from men that occupy most mens shelters run
8 by the municipal defendants. This isn't apples and oranges.
9 This isn't when -- in the same as another shelter.

10 So the issue I think that just to go back real quick.
11 I think the issues all trans people have with the intake and
12 screening policy, there were issues of fact that are common to
13 certain trans people as it relates to win west when obviously
14 class certification would pertain, your Honor, to some of the
15 element -- excuse me -- some of the allegations made out in
16 this complaint.

17 But I just want to be clear that plaintiff is very
18 aware that class certification is a big thing, so to speak and
19 that also class certification would allow a broader class of
20 people to come forward and make allegations pertaining to their
21 stay at Marshals s within the limited time described in this
22 complaint but trans gender people that have never been at
23 Marshals that either avoid the shelter system. And that in
24 itself is a claim, your Honor, that I'd argued myself and other
25 trans gender people are due process and entitled to our day in

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court. We are arguing that damage, the injury and I'm going to have a seat right now, but Jamel has been driving up and down the east coast since the last time that he stayed with me in a single room no bigger than a common bathroom with his partner, all trying to tough out avoiding the homeless shelter system that we think could harm us.

So this is sort of the class we are trying to make out and I think that sort of as some background to the motion.

THE COURT: OK. All right. So I think what we'll do is since it sounds like you are still in the process of filing some supporting documents is we'll wait until you file the things you say you are going to file and then maybe put the parties on a briefing schedule. OK?

MR. ROBERTS: Your Honor?

THE COURT: Yes, Mr. Roberts.

MR. ROBERTS: It's beyond -- that pro se non lawyers may not represent other people. I really object to having to brief this.

And with regard to Jamel Young, I am told he's a veteran. The DHS is one of the reasons why we request to go through assessment. They have a special assessment for veterans, a special facility for veterans and Ms. Lopez is here. If Jamel Young wishes to speak to Ms. Lopez afterwards, she can take his information. But the proposition the Court is going to entertain a motion for class certification from a pro

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1 se counsel is really not productive for any of the parties or
2 for the Court.

3 THE COURT: I already said I am going to take a look
4 at the motions and papers that are filed and it's necessary for
5 the city to provide a response, I will direct the city to
6 provide a response. OK? And it may be as simple as what you
7 are saying which is that you can't, pro se plaintiff cannot
8 represent a class. OK? I'm not going to rule on Ms. Lopez's
9 motion before it's fully submitted. OK? Or at least before
10 she's been able to submit what she feels she needs to submit.
11 OK? I will take a look at it and if we need to have another
12 conference or need to resolve it some other way, we will. OK?

13 MS. LOPEZ: I'm not trying to represent a class of
14 people. Like I said, we're trying to as a group trigger the
15 mechanics of the statute pertaining to counsel being appointed
16 for a class. I believe Congress's intention as to cover
17 exactly what's happening here, your Honor.

18 THE COURT: We will take a look at it. I understand
19 what the issues are. We'll take a look at Rule 23 and if we
20 need a response from the city, we'll direct a response from the
21 city. OK? All right. That's all I had on my agenda for today
22 because I know that we were looking for a response from
23 Ms. Lopez on a motion to dismiss.

24 So is there anything else that we need to address
25 right now?

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1 MS. LOPEZ: Yes, your Honor. Please.

2 THE COURT: Oh, HIPAA releases. Did we have an issue
3 with those?

4 MS. LOPEZ: We do. I am trying to do my best to abide
5 by the Court's directive the last time and that the Court
6 exhaust its own guidelines or objectives for the conference
7 before I move on to my list of issues cause this way I can know
8 what the Court's concerns are. I actually have a bullet to
9 address with HIPAA and the discovery and stuff when the Court
10 is done.

11 MR. ROBERTS: Your Honor, with regard to the HIPAA
12 releases I sent both draft HIPAA release and a release for
13 sealed record pursuant to Criminal Law 16050 and 165 to
14 Ms. Lopez on May 15. I have not received a response from her
15 but I am happy to hand up to the Court if you'd like to see
16 what I sent her with a draft release that I requested her to
17 sign and a cover letter.

18 THE COURT: OK. So what's the issue again? I'm
19 sorry.

20 Ms. Lopez.

21 MS. LOPEZ: So, I'm actually just going to go in the
22 order that I had my list. It helps me in my ADHD, your Honor.
23 I apologize.

24 So the number one thing is that I take that this is
25 the first time I've not received a transcript, your Honor,

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1 after the Court had directed that I receive a transcript. So
2 if I may, when we were before the Court last, the Court was
3 very much trying to assist settlement talks by helping
4 plaintiff get counsel in any way that plaintiff can, including
5 directing the clerk to find me counsel. But in addition to
6 directing me to contact a certain firm and direct the firm's
7 attention to the portion of the transcript which would
8 highlight the discussions in open court where this Court would
9 be pleased if the firm took the case. This is the first time
10 since we have been in front of your Honor that the defendants
11 have failed to provide me with a --

12 THE COURT: Stop right there. Let's not infer any bad
13 motive. If you haven't ordered the transcript, I always direct
14 the defendant to order the transcript, provide it to Ms. Lopez.
15 It's possible that this has been some delay or whatever.

16 Now getting back to what we are talking about,
17 potentially having settlement discussions. I thought that
18 settlement discussions were off the table.

19 MS. LOPEZ: Is that why they just responded?

20 THE COURT: That's why I'm a little confused.

21 MS. LOPEZ: Your Honor, I appreciate that everyone
22 here is a legal professional that has way more cases than this
23 one and this might be every day the center of my universe right
24 now but because of that I keep a better mental note probably of
25 most here. I am almost certain that transcript would have been

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1 helpful. The order of the last proceeding was to make sure I
2 was directed as plaintiff and I followed the Court's directive.
3 So in my mind it's sort of linear that way. I was directed to
4 reach out to Emery, whatever the firm is, and to direct their
5 attention to the transcript. I couldn't do a portion of my
6 homework because I wasn't given a transcript. Moving on --

7 THE COURT: So we'll give you more time after you get
8 a transcript.

9 MS. LOPEZ: Towards the end of the proceeding the
10 issues about the HIPAA release form -- because this is not a
11 small issue and I guess this is why we are here today. We need
12 to discuss this. The issue of the HIPAA release form came up.
13 And I believe the way we start sort of left it is somewhat
14 where Mr. Roberts is in terms of us -- somewhat because I have
15 a caveat on that -- on where we are today with parties are to
16 work jointly together. The objectives being out of all this
17 rigmarole are to get family court records to advance -- cause
18 this where I get a bit confused. If settlement negotiations
19 were all the way off the table, then I would be the one with
20 the ball in my court to be having conversations about expedited
21 discovery. I don't have any subpoenas up here. I'm pretty
22 sure that's not where we were at. I'm pretty sure where we
23 were at was having a conversation about family court records.
24 But getting to the instant matter, we were also having a
25 conversation about what they need and they don't need, your

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1 Honor.

2 And I need to really dig my heels in on this, right,
3 because even based on what Mr. Roberts is asking for, it's one
4 or the other. You want to move forward with trying in best
5 faith to figure out the consistency of my medical conditions
6 and needs and also any appropriate settlement that may come
7 from those needs not being met for the last two years or we're
8 barely towards trial and he is billing out requests for
9 criminal records stuff.

10 And by the way, if we're going in that direction,
11 Project Renewal employed all ex-cons. I will submit my own
12 request for criminal records. But in keeping on trying my best
13 to try to bring this case to a resolution outside of class
14 litigation, outside further litigation really trying to stop
15 this case, I asked this Court cause I had notes, to please
16 today once and for all, can we clarify so there will be no
17 contention, no argument, no ambiguity, what the questions are,
18 the specific legal questions that the municipal defendants want
19 to answer with all the records we've discussed this far.
20 Because I warn the Court and the municipal defendants that they
21 are right in thinking that there are an immense amount of
22 records in that family court file. And if we just start at
23 this point without knowing what they want, without being clear
24 it's a discovery posture we're in, then this is just more
25 wasting of time.

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1 And I will say, your Honor, I don't appreciate the
2 fact that I have tried really hard to reach out to the
3 municipal defendants to try to expedite getting the records, to
4 try to expedite curating said records so we could don't have to
5 look at all the records from when I was 11 to 24. That is the
6 potential.

7 So I am making a claim that could trigger them
8 potentially to be within their right, your Honor, to look at
9 that entire timeframe. So I was trans that whole time. There
10 is a possibility that if we don't narrow down here, and I think
11 it's appropriate, what they'd be looking for, the legal
12 questions, next steps for all parties, we are just going to be
13 fishing, fishing, fishing within the discovery/settlement
14 process for months and month and months.

15 THE COURT: All right. I hear you.

16 What I'd like to do is I think we should table the
17 HIPAA releases for now because we're going to get the family
18 court records. Let's see, what once an appropriate protective
19 order is entered and what you get from the family court
20 records, then let's continue to talk about discovery.

21 So do the defendants have any other issues you need to
22 address today?

23 MR. ROBERTS: No, your Honor.

24 THE COURT: OK. If the parties consent -- if you
25 don't consent I won't do it -- is to propose going off the

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1 record for a few minutes so that I can discuss with Ms. Lopez
2 separately and then discuss with defense counsel separately
3 some of your thoughts about settlement. This would be similar
4 to what I would normally do as a presettlement telephone call
5 off the record. And I recognize that this is a slightly
6 unorthodox process, but if either party is willing to do that,
7 we're not going to talk about legal argument or anything like
8 that but it's just to -- I understand there's a lot of acrimony
9 and a lot of history between the parties and I'd like a speak
10 to each side separately without them feeling that the other
11 side is hearing what they have to say about how this case
12 should proceed. OK?

13 So, everybody needs to consent to that. If that
14 doesn't happen, it's not going to happen. And the rules, Rule
15 408 and settlement procedures rules will govern the ex parte
16 communications that I have which means that you are not to
17 refer to them with each other or use them against the other
18 side. OK? Anything that I said back there because it's really
19 to try to get a handle on where the parties want to go and to
20 sort of seeing how hard I should push potentially to settlement
21 and how hard I should or whether we should just go into
22 discovery of which the family court records are sort of the
23 beginning. OK?

24 MS. LOPEZ: I consent.

25 MR. ROBERTS: I consent as well.

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1 MR. GREENBERG: I consent.

2 MS. BAEZ: I consent.

3 THE COURT: So what I'm going to do first is we're
4 really going to take like five minutes for each side and then I
5 envision wrapping this conference up to just very briefly have
6 a little conversation. OK?

7 All right. So sit tight. I'll ask Ms. Moore to go
8 off the record but I don't want to take more than ten minutes.
9 OK?

10 (Recess)

11 THE COURT: We're back on the record.

12 All right. So, I will issue a written order after
13 this conference that just sort of sets out some of the
14 procedural issues we talked about with the family court records
15 and then also with the motion for class cert. I am going to
16 also direct that the defendants order the transcript, share the
17 cost and provide a copy to Ms. Lopez. If you haven't done that
18 with the last conference please do so, so that Ms. Lopez can
19 follow-up with seeking, potentially seeking pro bono counsel
20 either for purposes of this case or for the purposes of
21 settlement.

22 And on settlement, after talking to each of you
23 separately I want to say I am not giving up on you. OK? I
24 actually think that there may be a way to get to a settlement
25 but it might be a difficult process. Both sides may need to go

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1 somewhere and sort of dial back on some of the things you're
2 looking for. What I understand and I am not going to get into
3 too much detail because we are on the record but what I got
4 from speaking to both of you is that I think there's a slight
5 disconnect on the city's latest offer. So I'm going to ask, I
6 am going to direct that Mr. Roberts and Mr. Greenberg discuss
7 with Ms. Lopez after this conference is over, specifically,
8 just go over the letter that you sent and what that entails.

9 Now my understanding is that the components of what
10 Ms. Lopez would seek roughly breakdown to three categories.
11 One relates to housing. The second relates to a monetary
12 component. And then the third relates to policy changes. And
13 you know that each of these three, the defendants may have
14 limited ability in what they can do.

15 And so you know, for example, sometimes some policy
16 changes, for example, Ms. Lopez, that you would like or you
17 would like to see just might not be doable in the near term.
18 For example, I would like to see a reversal in climate change
19 but just by ordering it doesn't make it so and it might not be
20 possible. A lot of other things have to fall into place, most
21 of which I have no control over.

22 So I see the policy changes as part of that. I have
23 settled civil rights cases before where there's a policy change
24 component but largely in my experience that's really hard to do
25 because unless the city was doing that anyway, it's like it

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1 will move at a glacial pace and that may not be what you want
2 especially when it comes to housing and monetary components.
3
OK?

4 My sense is that the monetary components are areas
5 where you both may have the most ability to move because it is
6 money. That said, recognize that with the defendants that
7 there's multiple layers of approval that need to happen. So
8 sometime again, the individual lawyers who we're talking to may
9 have all the desire in the world to get you where you need to
10 be or want to be but there is just some, there is only a
11 limited amount that they can do. Like I wish climate change
12 wasn't happening but I can issue all I orders I want and it's
13 not going to change anything. And then the housing component,
14 like think about how each of these, prioritize how each of
15 those matters to you and sort of what range you're willing to
16 accept.

17 And then I guess my last sort of piece of advise on
18 that is when we want to talk about settlement and really want
19 settlement, it comes down to what's acceptable, not sort of
20 what you would prefer unfortunately. I think that a good
21 settlement is a settlement the parties agree because otherwise
22 you don't have a settlement. And oftentimes that's something
23 that neither side is terribly happy with but you know what,
24 you're also, Ms. Lopez, you're plaintiff. Have a right to your
25 day in court and if you want to litigate, that's also your

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1 prerogative. OK?

2 MS. LOPEZ: May I just -- I actually, as much as I'd
3 like to be productive and streamline, I do have an issue with
4 Mr. Greenberg and Mr. Roberts sort of jointly now becoming one
5 entity even it's for the limited purposes of trying to find out
6 where we all are for moving forward. They don't have exactly
7 the same objectives, at least as per my latest conversation
8 with Mr. Greenberg, we are not all speaking on the same
9 wavelength or --

10 THE COURT: OK. You know what, I just call them the
11 defendants, lumping them all together, but if you can settle
12 with one entity and you can't with the other, you are free to
13 do that. OK? So that is something you are willing to, you can
14 explore to your heart's content.

15 So I think what we'll do is I'll set a date for
16 another conference sometime in the summer and what we'll do is
17 one week before the conference you can write in with your
18 proposed agenda. If you want to convert it to settle a
19 conference because you have had discussions we could do that or
20 we're just convert it to the status conference and we'll see
21 where you are. OK?

22 MS. LOPEZ: Sure. And with possibility of an order,
23 your Honor, in keeping with the municipal defendants' desire to
24 have a full picture of my mental health and medical history, I
25 believe it would be appropriate, I've discussed this on the

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1 record before, but for the Court to direct even though they
2 might do this on their own, to direct the municipal defendants
3 to identity a competent mental health provider and expert in
4 the field of gender identity disorder or gender dysphoria.
5 Ideally, one that knows myself and my records and I'd place
6 Dr. Christine Wheeler's name up for possibility.

7 And I see Mr. Roberts writing it down which gives me
8 hope but I'd also ask this Court to direct the municipal
9 defendants. It is the municipal defendants that have been
10 hanging both settlement and discovery on medical records and a
11 medical view and lens of this case. And their position, I
12 think it's wholly appropriate given Dr. Wheeler's history with
13 reviewing my medical information and her place in the case
14 Lopez v. Mattingly where she had to sit with me for a very,
15 very long time to simplify things. I think her and I get along
16 well. Our relationship is established. Her credentials are
17 impeccable and the city has paid her before. They've chosen
18 her.

19 THE COURT: All right. So for the status letter
20 before the next conference which we still have to schedule, one
21 of the things that the defendants and the city defendants
22 should consider is explaining to me, to the Court, where the
23 need for a mental health provider regarding gender dysphoria
24 comes into play, both in litigation and for settlement purposes
25 and then also if you made any progress either discussing with

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Conference

1 Ms. Lopez who that person should be or what your thoughts are
2 if you can't come to an agreement, where you are on that. OK?

3 MS. LOPEZ: OK.

4 THE COURT: All right. Let's pick a date for the next
5 conference. July 10 at 11 which makes your status letter due
6 July 2nd or July 3rd. Although if that ends up being a
7 problem, you can submit them July -- and we'll try to figure
8 out. We'll go from there.

9 All right. Thank you. We are adjourned.

10 (Adjourned)

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